SINGLE BENCH (1)

CF/1002

(6)

IN HE HIGH COUR OF JUDICAURE , AT BILASPUR ,

CHHATTISGARH

W.P.No.1990 /2005

PETITIONER:- Sameer Kumar Nag S/o Late B.L.Nag aged 53 years Occupation Service presently Posted as Tehsildar Sarangarh Distt. Raigarh (C.G)

P.R. No. 500 6/06
Presented by Shri B.N. Namdeo
Med. 8/9/06

VERSUS

RESPONDENTS:-1. State of Chhattisgarh, Through Secretary, Department of Revenue Mantralay , D.K.S Bhavan, Raipur (C.G)

2. Under Secretary, Department of Revenue, State of Chhattisgarh, Mantralay , D.K.S. Bhavan Raipur (C.G)

3. Collector Raigarh, Distt. Raigarh (C.G)

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WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

(158) (159)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4990 of 2006

Petitioner — Samer Kumar Nag

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri S. N. Nande, *Advocate for the petitioner.*

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

Shri A. N. Bhakta, Advocate for the Intervener.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Tehsildar, Sarangarh, District- Raigarh was transferred to Raigarh and the Intervener was transferred from Raigarh to Sarangarh vide impugned order dated 21.8.2006 (Annexure P/1).
2. This Court vide interim order dated 12.9.2006 stayed the impugned transfer order, in respect of the petitioner. By virtue of the interim order the petitioner is working at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K.Agnihotri
Judge